IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 3027 of 2004

Between:

Kamuju Satyanarayana, S/o Venkanna,
R/o Santhapeta, Katrenikona Village and Mandal, East Godavari District.

..... PETITIONER

AND

1 The District Collector, Kakinada, East Godavari District.
2 The Chief Executive Officer, Zilla Praja Parishad, Kakinada, East Godavari District.
3 The Superintendent Engineer, Panchayat Raj Department, Kakinada, East Godavari District.
4 The Junior Engineer, Panchayat Raj Department, Katrenikona Village and Mandal, East Godavari District.
5 The Sarpanch, Katrenikona Village, Katrenikona Mandal, East Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of a Writ of Mandamus by declaring the action of the respondents 2 to 4 in constructing a building without obtaining the approval and permission of the 5th respondent on the middle of the Gram Panchayat concrete road obstructing passage as illegal, arbitrary and violative of Article 21 of the Constitution of India and consequently direct the respondents 2 to 4 to stop construction of the building above the Grampanchayat concrete cement road and to remove the pillars already laid on the

road leading to Santhapeta from the Katrenikonda Village main Road, Katrenikona Mandal, East Godavari District

Counsel for the Petitioner: MR.V.AJAYAKUMAR

Counsel for the Respondent Nos. 1,3 and 4: G.P. for Panchayat Raj & Rural Development

Counsel for the Respondent No.2: MR.Dammalapati Srinivas

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Petitioner who is a resident of Santhapeta in Katrenikonda Village and Mandal, East Godavari District, filed this petition pointing out that in June, 2003, suddenly, The Zilla Parishad officials started constructing Community Hall besides Ambedkar Statue exactly above the road by laying pillars in the middle of the road. It was submitted that respondents 2 to 4 had not even obtained approval or permission from the Gram Panchayat for construction of Community Hall on the middle of the road. Since the petitioner and the 5th respondent had submitted representation to the Collector stating that respondents 1 to 4 have not applied for construction of building from the Gram Panchayat at the site in question, a direction was sought to stop the said construction activity.

Respondent No.2 has filed counter affidavit. The District Collector, Kakinada, East Godavari District has also filed affidavit stating that construction of Community Hall at Katrenikona Village was taken up without obtaining approval from the Local Body and even according to the Collector, the proposed construction of Community Hall on the public road is against A.P. Panchayat Raj Act, 1984. As such, on verification of the spot, the Collector is stated to have passed an order directing the respondents 3 and 4 to stop construction of Community Hall and it was so stopped. Collector also stated that steps are being taken for allotment of suitable site for construction of Community Hall.

In view of the aforementioned averments made in the counter, the writ petition is

allowed with a direction that Community Hall will not be constructed at the site in question by the respondents 2 to 4 and no construction activity will be undertaken by them even at a new site without the approval of the 5th respondent.

The writ petition is accordingly allowed. No costs.

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DEVINDER GUPTA, CJ

Date: 23rd August, 2004

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C.V.RAMULU,J

Pnb

To

1 The District Collector, Kakinada, East Godavari District.
2 The Chief Executive Officer, Zilla Praja Parishad, Kakinada, East Godavari District.
3 The Superintendent Engineer, Panchayat Raj Department, Kakinada, East Godavari District.
4 The Junior Engineer, Panchayat Raj Department, Katrenikona Village and Mandal, East Godavari District.
5 The Sarpanch, Katrenikona Village, Katrenikona Mandal, East

Godavari District.

6 Two C.Cs. to Government Pleader for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad.(OUT)

7 Two C.D. copies